

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1764**

In Re the Marriage of:

Veronica Velaquez Barron, petitioner,
Respondent,

vs.

Amin Foued Abdelwahed,
Appellant.

**Filed July 21, 2025
Affirmed; motion denied
Cochran, Judge**

Hennepin County District Court
File No. 27-FA-23-5475

Taryn Trujillo Risom, Mid-Minnesota Legal Aid, Minneapolis, Minnesota (for respondent)

Amin Abdelwahed, Edina, Minnesota (pro se appellant)

Considered and decided by Reyes, Presiding Judge; Cochran, Judge; and Halbrooks,
Judge.*

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant-husband challenges the district court's judgment and decree dissolving his marriage to respondent-wife. Appellant's arguments relate to the district court's

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

determinations regarding child custody and the valuation of property. Appellant contends that the district court abused its discretion when it denied his request to call the parties' three oldest children to testify, made clearly erroneous factual findings, and violated his due-process rights. Because husband's arguments do not demonstrate an abuse of discretion by the district court, erroneous fact finding, or a due-process violation, we affirm. We also deny husband's motion to supplement the record.

FACTS

Appellant Amin Foued Abdelwahed (husband) and respondent Veronica Velaquez Barron (wife) were in a relationship for many years. The parties had a religious marriage ceremony in 2003, but they were not legally married until they had a civil ceremony in January 2015. Husband and wife share six children, who were ages seven to 17 at the time the dissolution judgment and decree was entered in 2024. From 2011 until 2023, the parties lived together in a home that wife purchased, titled, and mortgaged in her name in 2011.

In September 2023, wife petitioned to dissolve the marriage. At the initial case-management conference in October 2023, the district court appointed a guardian ad litem (GAL) to consider the best interests of the children and make recommendations as to custody, parenting time, and services for the children. The GAL filed two reports with the court in 2024—one on February 12 and an updated one on June 16. The first report indicated that wife, on two occasions, petitioned for an order for protection (OFP) alleging that husband had been physically and emotionally abusive. The initial OFP petition was filed in 2019 and the next in 2021. Ex parte OFPs were granted in both instances. The 2019 OFP was later dismissed at wife's request, and the 2021 OFP was dismissed after

neither party appeared for a scheduled hearing. In October 2023, wife applied to extend the 2021 OFP, alleging that she and the children still needed protection from husband. And, according to the updated GAL report, wife obtained a harassment restraining order (HRO) against husband in March 2024, which was in place at the time of trial.

The case proceeded to trial in July 2024 on the issues of child custody, child support, and property division.¹ Prior to trial, husband submitted a witness list that included the parties' three oldest children. Wife objected in writing to husband's request to have the children testify, arguing that husband had not described the relevance of their testimony and that their testimony would put the children "into the unfair position of siding with either parent." On the first day of trial, wife again renewed her objection. The district court initially deferred ruling on wife's objection until after other witnesses testified. But, at the end of the first day of trial, the district court ruled that the children would not be allowed to testify.

At trial, the district court heard testimony from wife, a real-estate agent who wife called to testify to the value of the parties' home, the GAL, and husband.

Following trial and written arguments from the parties, the district court filed its findings of fact, conclusion of law, and order for judgment and decree. In its order, after considering the statutory best-interests factors, the district court granted wife permanent sole physical custody and permanent sole legal custody of all six children. The court granted husband parenting time on Saturdays and Sundays for five hours each day. In its

¹ Husband does not appeal the district court's order with regard to child support.

discussion of the best-interests factors, the district court found that it was “more likely than not that [husband] committed domestic abuse.” As a result, the district court applied the statutory presumption that permanent joint physical and permanent joint legal custody was not in the best interests of the children and granted permanent sole physical and permanent sole legal custody to wife. As a part of its best-interests analysis, the district court noted that the oldest three children were old enough to have a preference but stated that “there is evidence suggesting their preferences have been inappropriately influenced by [husband].” Based on this concern, the district court determined that it could not “ascertain whether their stated preferences are independent and reliable” and did not consider their stated preferences in its analysis.

The district court also addressed the parties’ dispute about the valuation of the family home. The district court found wife purchased the home for \$112,900 in January 2011, which was before the parties were married. The district court further found that the parties’ disputed the current fair market value of the home. Wife estimated the value of the home to be \$290,500 in October 2023—the valuation date for purposes of the dissolution. Wife also estimated that, at the time of marriage in January 2015, the home was worth \$173,890. Wife’s estimates were based on a report prepared by the real-estate agent. Husband estimated the value of the home, at the time of trial, to be \$385,000. His valuation was based on estimates from websites. The district court found wife’s fair market valuation, provided by the real-estate agent, to be more credible than husband’s estimate, reasoning that the real-estate agent’s testimony factored in the current condition of the

property whereas husband's valuation did not.² The district court awarded wife possession of the family home, subject to husband's share of the marital equity.

After judgment was entered on the order, husband took this appeal.

DECISION

Husband, who is self-represented, challenges the district court's decisions regarding custody and valuation of the family home. Husband appears to argue that the district court abused its discretion when it denied his request to call three of his children as witnesses, made clearly erroneous factual findings relating to domestic violence and regarding the value of the home, and violated his due-process rights when it admonished him during the trial.³ We consider husband's arguments in turn and conclude that none require reversal.

I. The district court did not abuse its discretion when it did not allow husband to call his three oldest children to testify.

Husband first challenges the district court's decision not to allow the parties' children to testify at the dissolution trial. We review the district court's decision denying

² For purposes of property division, the valuation of marital property is determined as of the date of the initial prehearing settlement conference, unless another date is agreed upon by the parties. Minn. Stat. § 518.58, subd. 1 (2024). Here, the parties did not agree to a different valuation date for the home, and the district court applied the valuation date of October 19, 2023—the date of the initial case-management conference—consistent with a standing order of the fourth judicial district.

³ Husband also argues that the district court should not have received records related to his bankruptcy at trial. But a review of the judgment and decree indicates that these records were not relied upon by the district court in making its findings of fact and conclusions of law. As a result, husband was not prejudiced by the alleged erroneous admission of his bankruptcy records. Consequently, his assertion of error does not warrant reversal. *See Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (Minn. 1975) (stating that an error without prejudice is not grounds for reversal); Minn. R. Civ. P. 61 (requiring courts to ignore harmless error).

the request of a party to call a witness for an abuse of discretion. *Abdul-Haqq v. LaLiberte*, 985 N.W.2d 357, 365 (Minn. App. 2023), *rev. denied* (May 16, 2023). “A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

In a dissolution proceeding, the legislature has specified that it may be appropriate for a court to allow testimony of a child to consider “the reasonable preference of the child, if the court deems the child to be of sufficient ability, age, and maturity to express an independent, reliable preference.” Minn. Stat. § 518.17, subd. 1(a)(3) (2024). But the decision is “a discretionary choice for the trial judge,” *Madgett v. Madgett*, 360 N.W.2d 411, 413 (Minn. App. 1985), and the court may interview the child in chambers rather than requiring the child to testify, Minn. Stat. § 518.166 (2024).

If a parent seeks to call a child as a witness in a dissolution proceeding for another purpose, the parent must show the testimony is relevant and that the probative value of the testimony is not substantially outweighed by the danger of unfair prejudice and the testimony is not needlessly cumulative. *See* Minn. R. Evid. 401-03; *Rew v. Bergstrom*, 845 N.W.2d 764, 787-88 (Minn. 2014) (affirming district court’s exclusion of testimony refuting an allegation of a violation of an OFP as “irrelevant”); *Doe 136 v. Liebsch*, 872 N.W.2d 875, 880 (Minn. 2015) (stating “evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice” (quotation omitted)). “Evidence has probative value when it, in some degree, advances the inquiry.” *Doe 136*, 872 N.W.2d at 880 (quotation omitted). In determining whether to admit evidence, a

district court is to balance the probative value with “the unfair advantage that results from the capacity of the evidence to persuade by illegitimate means.” *Id.* (quotation omitted). The district court has broad discretion in determining whether evidence should be admitted under rule 403. *Id.* at 882. “Allowing children to testify against one parent to bolster the claims of another parent is antithetical to the ‘best interests’ focus of custody proceedings.” *Dedefo v. Gada*, No. A05-1905, 2006 WL 1320552, at *5 (Minn. App. May 16, 2006).⁴

At trial, husband argued he should be allowed to call the children as witnesses for the following two purposes: to allow them to state their preferences as to custody and because they could testify to wife’s allegations of abuse by husband. The district court denied husband’s request. Regarding the children’s preferences, the district court acknowledged that “the three oldest Children are old enough to have a preference” but determined that it could not “ascertain whether their stated preferences are independent and reliable.” The district court noted “there is evidence suggesting their preferences have been inappropriately influenced by [husband].” And, with regard to testimony about wife’s allegations of abuse, the district court determined that testimony from the children was not necessary for it to determine whether abuse occurred.

In his brief, husband does not appear to challenge the district court’s decision not to allow testimony by the children on their custody preferences. Instead, husband appears to argue that the testimony of the children was necessary to refute wife’s allegations that husband engaged in domestic abuse.

⁴ While not binding on this court, we may rely on nonprecedential decisions as persuasive authority. Minn. R. Civ. App. P. 136.01, subd. 1(c).

We discern no abuse of discretion by the district court in its decision to deny husband's request to call the children to testify on this topic. When considering the best interests of the children in making a custody determination, one factor the district court is to consider is whether domestic abuse has occurred in the household. Minn. Stat. § 518.17, subd. 1(a)(4) (2024). While the children's testimony on whether domestic abuse occurred would have been relevant to the issue, we agree with the district court that the evidence would have been needlessly cumulative. First, the children's denial that husband engaged in domestic abuse was part of the GAL report that was admitted into evidence at trial. The GAL report noted that, when interviewed, the two oldest children denied that there was any physical abuse in the home and stated that reports of physical abuse by husband were untrue. Additionally, the record reflects that there is other substantial evidence on the question of whether husband committed domestic abuse against wife—wife's testimony; husband's testimony; and the GAL reports discussing the two OFPs and an HRO that wife obtained based on allegations of domestic violence by husband. Husband made no offer of proof to the district court that the children would have provided information unavailable from these sources. Thus, the children's testimony would have been needlessly cumulative. *See* Minn. R. Evid. 403 (allowing for the exclusion of relevant evidence where the probative value is substantially outweighed by the danger of the "needless presentation of cumulative evidence").

Additionally, there was substantial danger that the children's testimony would unfairly prejudice wife and harm the children's wellbeing. The GAL expressed in her report that the children's understanding of the ongoing dissolution proceedings and their

concern for husband's "financial and emotional interest" suggested "inappropriate parentification of the children." Consequently, there was a danger that the children's testimony would not be in conformity with the truth, and instead would reflect their desire to maintain a relationship with husband, thus unfairly prejudicing wife. *See Doe 136*, 872 N.W.2d at 880 (describing unfair prejudice as "the unfair advantage that results from the capacity of the evidence to persuade by illegitimate means" (quotation omitted)). Moreover, both the district court and the GAL expressed concerns that testifying may have a negative impact on the children's wellbeing.

In sum, based on our review of the record, we discern no abuse of discretion by the district court when it decided not to allow the children to testify. *See Minn. R. Evid. 403; Dedefo*, 2006 WL 1320552, at *5 (stating that allowing a child to testify against one parent, in favor of another, is not in a child's best interests).

II. The district court did not make clearly erroneous factual findings when it found that husband had engaged in domestic abuse.

The district court has broad discretion in making child-custody determinations. *Matson v. Matson*, 638 N.W.2d 462, 465 (Minn. App. 2002). "When a district court is deciding a custody dispute, a child's best interests is the court's 'paramount commitment.'" *Thornton v. Bosquez*, 933 N.W.2d 781, 789 (Minn. 2019) (quoting *Olson v. Olson*, 534 N.W.2d 547, 549 (Minn. 1995); *see also Pikula v. Pikula*, 374 N.W.2d 705, 711 (Minn. 1985) (stating that "[t]he guiding principle in all custody cases is the best interest[s] of the child"). In evaluating a child's best interests, the district court's decision is guided by the 12 statutory best-interests factors. Minn. Stat. § 518.17, subd. 1(a) (2024). In considering

these factors, there is typically a presumption that, upon request by at least one of the parties, joint legal custody is in the best interests of the child. *Id.*, subd. 1(b)(9) (2024). But, when the district court finds that “domestic abuse” has occurred between the parents, there is “a rebuttable presumption that joint legal custody or joint physical custody is *not* in the best interests of the child.” *Id.* (emphasis added). For purposes of chapter 518B, “[d]omestic abuse” is defined to include “physical harm, bodily injury, or assault” and “infliction of fear of imminent physical harm, bodily injury, or assault.” Minn. Stat. § 518B.01, subd. 2(a)(1)-(2) (2024).

Here, the district court expressly found that domestic abuse has occurred between the parties and “it is more likely than not that [husband] committed domestic abuse” against wife. Husband challenges the finding that he committed domestic abuse.

“To the extent that a party challenges a district court’s findings on factual issues relevant to custody, this court applies a clear-error standard of review.” *In re Welfare of C.F.N.*, 923 N.W.2d 325, 334 (Minn. App. 2018), *rev. denied* (Minn. Mar. 19, 2019). A finding of fact is clearly erroneous if it is “manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). When reviewing a factual finding for clear error, appellate courts view the evidence in the light most favorable to the finding. *Id.* We do not weigh the evidence, nor do we “engage in fact-finding anew” or reconcile conflicting evidence. *Id.* at 221-22 (quotation omitted). Further, we give “deference to the district court’s opportunity to evaluate witness credibility.” *Thornton*, 933 N.W.2d at 790 (quotation omitted). Applying this standard of review, we will not

conclude a factual finding is clearly erroneous unless “we are left with a definite and firm conviction that a mistake has been committed.” *Kenney*, 963 N.W.2d at 221 (quotation omitted).

In the judgment and decree, the district court relied on the GAL reports and wife’s testimony to support its finding that domestic abuse occurred in the home. The GAL’s first report noted that “the family has a history with [child protective services] involvement due to physically abusive behavior carried out by [husband].” The first report outlined the GAL’s review of court records from the child-in-need-of-protection-and-services proceedings that indicated a finding of threatened injury of all six children by husband. The first report also discussed the court records showing OFPs filed as far back as February 2020, which required the children to “stay with [wife]” and ordered that husband “not return to the marital home until approved by the court.” And in the GAL’s updated report, she stated that there was “an Ex Parte Harassment Restraining Order in place” protecting wife from husband. The district court found the GAL report to be very credible.

The district court also relied on wife’s testimony to support its finding of domestic abuse. The district court noted that wife testified that she had been a victim of domestic violence by husband, and that she went to the hospital on one occasion suspecting that husband had broken her ribs. While husband denied these allegations at trial, the district court found wife “very credible” and found that husband’s testimony on this point was not credible.

In arguing that the district court’s domestic-abuse finding is clearly erroneous, husband does not argue that it is “manifestly contrary to the weight of the evidence” or that

it is “not reasonably supported by the evidence as a whole.” *Id.* (quotation omitted). Instead, husband alleges the GAL was “corrupt” and “biased” and wife’s memory was impaired. Based on these assertions, he argues that the district court’s reliance on the GAL report and wife’s testimony renders the district court’s factual finding of domestic abuse clearly erroneous. As noted above, however, the district court found both the GAL report and wife’s testimony to be “very credible.” We defer to the district court’s credibility determinations because the district court is in the best position to determine the credibility of witnesses who testify at trial. *Id.* at 222-23. Additionally, the district court’s finding that domestic abuse occurred is “reasonably supported by the evidence as a whole.” *Id.* at 221 (quotation omitted). Therefore, husband has not demonstrated that the district court’s factual finding of domestic abuse is clearly erroneous. *See id.*

III. The district court did not make clearly erroneous factual findings in its valuation of the family home.

Husband also challenges the district court’s factual findings regarding the value of the family home, which it used to divide the parties’ assets.⁵ Husband contends that the district court should not have relied on the testimony of the real-estate agent in making its factual findings on the value of the home.

⁵ In his reply brief, husband argues that the district court abused its discretion in its division of property beyond the family home. However, in his principal brief, husband contests only the valuation of the family home. Issues raised in an appellant’s reply brief that were not raised in the principal brief are not properly before this court. *Moorhead Econ. Dev. Auth. v. Anda*, 789 N.W.2d 860, 887 (Minn. 2010). Thus, we do not consider husband’s property-division arguments beyond his arguments related to the family home.

Generally, the district court “has broad discretion in evaluating and dividing property in a marital dissolution and will not be overturned except for abuse of discretion.” *Antone v. Antone*, 645 N.W.2d 96, 100 (Minn. 2002). The district court’s valuation of an asset when dividing property is a finding of fact that “shall not be set aside unless clearly erroneous on the record as a whole.” *Maurer v. Maurer*, 623 N.W.2d 604, 606 (Minn. 2001) (quotation omitted). As discussed above, a finding of fact is clearly erroneous only if it is “manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole.” *Kenney*, 963 N.W.2d at 221 (quotation omitted). And we give “deference to the district court’s opportunity to evaluate witness credibility.” *Thornton*, 933 N.W.2d at 790 (quotation omitted).

Husband argues that the district court made clearly erroneous factual findings regarding the value of the home when it relied on the real-estate agent’s valuation of the home because, according to husband, the real-estate agent was biased in favor of wife and not credible. In support of his argument, husband emphasizes that the real-estate agent attends the same church as wife, provided his valuation estimate as a favor to a mutual friend whom he shares with wife, did not get paid for his work, and lacks experience. But husband made the same arguments at trial, and the district court credited the real-estate agent’s valuation over husband’s valuation. The district court found that the real-estate agent’s valuation was more credible because his estimate was based on an in-person inspection of the home and an assessment of its current condition whereas husband’s valuation was based only on estimates from websites that do not consider the actual condition of the home. We defer to this credibility determination, *id.*, and do not reweigh

the real-estate agent's testimony, *Kenney*, 963 N.W.2d at 222. Accordingly, we discern no basis to reverse the district court's valuation of the home.

IV. Husband has not demonstrated that the district court violated his due-process rights.

Husband also argues that the district court violated his due-process rights at the dissolution trial. Specifically, husband argues that the district court violated "[his] due process" when the court told husband, "[I]f you continue to behave like this, I'm going to find you in direct contempt of the court and I'm going to send you to jail." Husband further argues that the district court violated his right to due process when it stated it was going to make an "adverse inference" regarding his testimony on a new bank account because of husband's refusal to answer questions about the account during cross-examination. We are not persuaded by either argument.

As an initial matter, husband does not cite any legal authority to support his due-process argument. Consequently, it is unclear exactly what due-process rights are at issue and whether there is any legal authority to support his argument. Because husband has not adequately briefed the issue, we decline to reach the merits of husband's due-process argument. *State Dep't of Lab. & Indus., v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (stating that appellate courts may "decline to reach [an] issue in the absence of adequate briefing"); *see also Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001) (stating "[a]lthough some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules").

Regardless, even assuming husband showed that some aspect of his right to due-process was violated, husband would not be entitled to reversal because husband has not identified any prejudice resulting from the district court's alleged due-process violations. The record reflects that the district court did not hold husband in contempt. And, while the district court did state there would be an adverse inference regarding husband's testimony, the judgment and decree makes no mention of the adverse inference. As a result, husband was not prejudiced by the district court's statements. Therefore, his argument does not warrant reversal. *See Riehm v. Comm'r of Pub. Safety*, 745 N.W.2d 869, 877 (Minn. App. 2008) (stating that error is not grounds for reversal without prejudice), *rev. denied* (Minn. May 20, 2008).

In sum, husband's argument that the district court violated his due process rights does not warrant reversal of the dissolution judgment and decree. Nor do any of his other arguments addressed above.

V. Husband's motion to supplement the record is denied.

Finally, we address husband's motion to supplement the record, which was filed after the date of this panel's nonoral conference. In his motion, husband seeks to supplement the record with documents that he alleges show *ex parte* communications between the district court and wife's counsel. He also seeks to supplement the record with documents that he alleges show the district court ignored certain debts in wife's name.

The record on appeal consists of the documents and exhibits filed with the district court, as well as the transcripts of the proceedings. Minn. R. Civ. App. P. 110.01. "Within 7 days after the due date for the filing of the appellant's brief, the trial court administrator

shall prepare the record and transmit it or make it electronically available to the clerk of the appellate courts” Minn. R. Civ. App. P. 111.01. The trial court administrator shall also send a list of the documents and exhibits contained in the record to all parties. *Id.* If a party has possession of exhibits, it must transmit them to the clerk of the appellate courts within 14 days after respondent’s brief is due. *Id.* If a party believes that there is a mistake or omission in the record, they may move to correct or modify the record. Minn. R. Civ. App. P. 110.05. But if the motion is filed after the case is submitted to oral argument or nonoral conference, then this court may deny the motion as untimely. *In re Livingood*, 594 N.W.2d 889, 896 (Minn. 1999) (affirming the denial of a motion to correct the record filed after the case was submitted to oral argument as untimely). Because husband’s motion was filed after the case was submitted to nonoral conference, it is untimely. *See id.*

In addition, husband cites no legal authority to support his motion to supplement the record. The lack of legal authority supports denial of the motion. *See* Minn. R. Civ. App. P. 127 (requiring the movant to state the grounds for a motion with particularity); *Wintz Parcel Drivers*, 558 N.W.2d at 480 (Minn. 1997) (stating that appellate courts may “decline to reach [an] issue in the absence of adequate briefing”); *see also Fitzgerald*, 629 N.W.2d at 119 (stating that pro se parties “are generally held to the same standards as attorneys”).

Finally, based on our review of husband’s filing, it appears that the documents that husband seeks to include in the appellate record were not part of the record before the district court. Consequently, they are not properly part of the record on appeal. *See* Minn. R. Civ. App. P. 110.01; *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988) (“An

appellate court may not base its decision on matters outside the record on appeal, and may not consider matters not produced and received in evidence [at the district court].”).

For these reasons, we deny husband’s motion to supplement the record.

Affirmed; motion denied.