

ORIGINAL

IN THE SUPREME COURT OF OHIO

In The Matter of:	:	Case No. 2010-0180
	:	
C. B.	:	On Appeal From The
	:	Cuyahoga County Court of Appeals
Dependent Child	:	Eighth Appellate District
	:	
	:	Court of Appeals
	:	Case No. 92775

**APPELLEE FATHER ANTHONY WYLIE'S MOTION
TO VARY TIME FOR ORAL ARGUMENT**

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IN THE SUPREME COURT OF OHIO

In The Matter of:

Case No. 2010-0180

C. B.

Dependent Child

**APPELLEE FATHER ANTHONY WYLIE'S MOTION
TO VARY TIME FOR ORAL ARGUMENT**

Now comes Appellee Father Anthony Wylie, *pro se* hereinafter referred to as "Father." Father moves this Honorable Court pursuant to *S. Ct. Prac. R. 9.5 (B)* for an Order varying the time for oral argument which is currently set for hearing on February 16, 2011 at 9:00 am from the currently scheduled 15 minute period to either a 20 minute period or any other additional period that the Court in its "*judicial discretion*" determines to be just.

"*Judicial discretion is defined as the option which a judge may exercise between the doing and not doing of a thing which cannot be demanded as an absolute legal right, guided by the spirit, principles and analogies of the law, and founded upon the reason and conscience of the judge, to a just result in light of the particular circumstances of the case.*"¹

S. Ct. Prac. R. 9.5 (B) states and provides in pertinent part that:

"...upon motion, the Supreme Court may vary the time for oral argument permitted by this rule. Motions to vary the time for oral argument shall be at least seven days before the date scheduled

¹ *In re Wonderly* (1981) Ohio St. 2d 178; 423 N.E.2d 420; Ohio LEXIS 565; 21 Ohio Op. 3d 111 at 18 citing *Krupp v. Poor* (1970) 24 Ohio St. 2d 123, paragraph two of the syllabus. See, also, *Steiner v. Custer* (1940), 137 Ohio St. 448. [Emphasis added]

for oral argument.”

Father points out that in: Portage Cty. Bd. Of Commrs. v. Akron² “Upon consideration of the city of Akron's “motion to vary time for oral argument” *this Court* “ordered” “that the motion” filed by the City of Akron be” “granted to the extent that time for oral argument is extended to 20 minutes per side.”

The fundamental rights presented in this case are “*far more precious than any property right*”³ asserted in Portage Cty. Bd. Of Commrs. v. Akron. This Court exercised its “*judicial discretion*” in Portage Cty. Bd. Of Commrs. v. Akron to extend the time for Oral Argument understanding that: “Words are powerful and can forever alter the course of a life...” and that: “The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.”⁴ The Appellee Father respectfully moves this Honorable Court for an Order granting the Father’s request for an extension to 20 minutes during oral argument (or any greater period that the Court determines in its discretion to be just) with which to address the Court on the merits of his Appellee Merit Brief and Notice Additional Relevant Authorities which has been simultaneously filed with this forgoing motion. Father needs the additional time with which to cite and assert the additional authorities before the Court.⁵

² 105 Ohio St. 3 d 1456; (2005) Ohio 900; 823 N.E.2d 875; 2005 Ohio LEXIS 309 at 1

³ May v. Anderson, 345 US 528, 533; 73 S Ct 840, 843, (1952).

⁴ Alexander Hamilton, The Farmer Refuted, The Works of Alexander Hamilton, ed. John C. Hamilton, (New York: Charles S. Francis, 1851) vol. 2, p. 80.

⁵ See Citation to Additional Relevant Authorities which has been simultaneously filed by the Father on February 9, 2011 herewith. Citation to additional relevant authorities are set forth Supra.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This certifies that a true copy of Appellee Father Anthony Wylie's Motion to Vary Time for Oral Argument has been faxed or emailed to all parties or their attorneys of record as listed below on this 9th day of February 2011.

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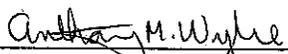
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