

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
FAYETTE COUNTY

IN THE MATTER OF:

D.M.-S.

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CASE NOS. CA2011-06-011
CA2011-07-014

DECISION
4/16/2012

APPEAL FROM FAYETTE COUNTY COURT OF COMMON PLEAS
JUVENILE DIVISION
Case No. 10AND0819

Jess C. Weade, Fayette County Prosecuting Attorney, James B. Roach, 110 East Court Street, Washington C.H., Ohio 43160, for plaintiff-appellee, Fayette County Department of Jobs and Family Services

Rose & Dobyns Co., LPA, Blaise Underwood, 97 N. South Street, Wilmington, Ohio 45177, for appellant, Sherri M.-W.

Bryan Scott Hicks, P.O. Box 359, Lebanon, Ohio 45036, for appellant, Anthony S.

Landis Terhune-Olaker, P.O. Box 895, Washington C.H., Ohio 43160, guardian ad litem

Per Curiam.

{¶ 1} This cause came on to be considered upon a notice of appeal, the transcript of the docket and journal entries, the transcript of proceedings and original papers from the Fayette County Court of Common Pleas, Juvenile Division, and upon the briefs filed by counsel for appellants, oral argument having been waived.

{¶ 2} Separate counsel for appellants, Sherri M.-W. and Anthony S., have each filed briefs with this court pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 (1967). In each of their briefs, counsel (1) indicate that a careful review of the record from the proceedings below fails to disclose any errors by the trial court prejudicial to the rights of appellants upon which an assignment of error may be predicated; (2) list one potential error on behalf of each appellant "that might arguably support the appeal," *Anders* at 744, 87 S.Ct. at 1400; (3) request that this court review the record independently to determine whether the proceedings are free from prejudicial error and without infringement of appellants' constitutional rights; (4) request permission to withdraw as counsel for each appellant on the basis that the appeal is wholly frivolous; and (5) certify that a copy of both the brief and motion to withdraw have been served upon each appellant.

{¶ 3} After he was served with a copy of counsel's November 9, 2011 *Anders* brief, appellant, Anthony S., requested multiple extensions to file a pro se brief. In all, Anthony S. has been granted more than four months in which to file his brief. In granting the latest extension, the court advised Anthony S. that unless his pro se brief was filed by March 20, 2012, the matter would be submitted on counsel's *Anders* brief. In his latest filing, Anthony S. claims he did not receive notice of the March 20 due date until March 19 – apparently because he has been transferred from one Indiana correctional facility to another – and now requests an additional 60 days to file his brief.

{¶ 4} This cause is an appeal of the termination of parental rights and is to be given priority over all other cases except for abortion-related appeals from juvenile court. App.R. 11.2. Extensions of time for filing briefs in a parental rights termination case "shall not be granted except in the most unusual circumstances and only for the most compelling reasons in the interest of justice." App.R. 11.2(C)(3). Any further delay in the submission of the case at bar defeats the purpose of expediting such proceedings and contradicts Ohio's Adoption

and Safe Families Act. See *Id.* at Staff Notes. See *also*, 1999 Am.Sub.H.B. No. 484.

{¶ 5} Having allowed appellants sufficient time to respond, and no response having been received, we have accordingly examined the record and find no error prejudicial to appellants' rights in the proceedings in the trial court. Therefore, it is the order of this court that the separate motions of counsel for appellants requesting to withdraw as counsel are granted, and these appeals are hereby dismissed for the reason that they are wholly frivolous.

POWELL, P.J., RINGLAND and PIPER, JJ., concur.