

COURT OF APPEALS  
GUERNSEY COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

IN THE MATTER OF DIAMOND S., ALLEGED DEPENDENT CHILD

JUDGES:

: Hon: W. Scott Gwin, P.J.  
: Hon: John F. Boggins, J.  
: Hon: John W. Wise, J.  
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: Case No. 03-CA-24  
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: OPINION

CHARACTER OF PROCEEDING:

Civil appeal from the Guernsey County  
Court of Common Pleas, Juvenile Division,  
Case No. 20030347

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

February 5, 2004

APPEARANCES:

For Plaintiff-Appellant

For Defendant-Appellee

CHARLES E. MCKNIGHT  
121 West Eighth Street  
Cambridge, OH 43725

KENT D. BIEGLER  
Assistant Prosecuting Attorney  
139 Courthouse Square  
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*Gwin, P.J.*

{¶1} Appellant Kenny Hagar (“appellant”), the biological father of the subject minor child, “Diamond S”, appeals from the judgment entered in the Guernsey County Court of Common Pleas, Juvenile Division, terminating the parental rights of the biological parents of the subject minor child and granting permanent custody of said minor child to the Guernsey County Children’s Services Board.

{¶2} A timely notice of appeal was filed from the trial court’s judgment. On October 21, 2003, counsel for appellant, Charles E. McKnight, filed a brief pursuant to *Anders v. California* (1967), 388 U.S. 924 indicating that the within appeal was wholly frivolous. Counsel for appellant also sought to withdraw as counsel for appellant. Counsel for appellant has requested that this court conduct an independent review of the record to determine whether any errors occurred with respect to the proceedings involving the minor child.

{¶3} This court has conducted an independent review of the record and finds no errors occurred that would require this court to reverse the trial court’s decision.

{¶4} Indeed, testimony was presented by Dr. David Tennenbaum, a licensed psychologist in Ohio. According to Dr. Tennenbaum’s psychological assessments of the biological parents, he concluded both parents suffered chronic mental illness and mental retardation so severe that the parents would be unable to provide an adequate home for the child at the present time or within the foreseeable future. Based upon those findings, the court properly determined that the subject minor child could not be placed with either of the child’s parents within a reasonable time or the child should not be placed with the child’s parents.

{¶5} The record in this matter contains sufficient, competent and credible evidence to support the trial court's findings of fact and conclusions of law.

{¶6} For these reasons, we agree with appellant's counsel that the within appeal is wholly frivolous and that no errors occurred with respect to the trial court's judgment from which the within appeal was filed.

{¶7} Furthermore, this court hereby grants Attorney McKnight's motion to withdraw as counsel for appellant.

{¶8} For the foregoing reasons, the judgment entered in the Guernsey County Court of Common Pleas, Juvenile Division, is hereby affirmed.

By Gwin, P.J.,

Boggins, J., and

Wise, J., concur