

IN THE SUPREME COURT OF OHIO

IN THE MATTER OF: ) CASE NO. 2006-1695  
 )  
 ) LEE ADAMS, JR. ET AL. ) ON APPEAL FROM THE  
 ) CUYAHOGA COUNTY COURT  
 ) OF APPEALS, EIGHTH  
 ) APPELLATE DISTRICT  
)

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**MOTION FOR EXTENSION OF TIME FOR CHILDREN'S  
ATTORNEY TO FILE REPLY MERIT BRIEF**

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COUNSEL FOR APPELLEES

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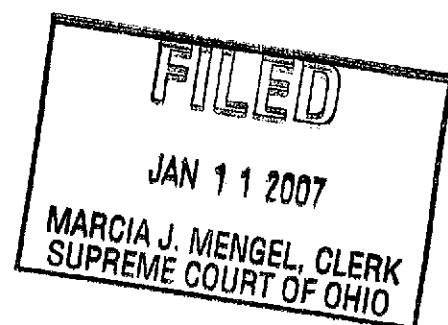
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GUARDIAN AD LITEM FOR CHILDREN

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COUNSEL FOR APPELLANTS CCDCFS



## INTRODUCTION

Now comes Appellees, Lee Adams, Jr. et al, by and through counsel, and respectfully moves this Honorable Court pursuant to Ohio Supreme Court Rules of Practice 14 sections 3(B)(2)(b) and 4 to grant an extension of time to for the children's attorney to file a reply to the CCDCFS merit brief in this within matter for the reasons set forth in the memorandum attached hereon and incorporated herein.

## BRIEF IN SUPPORT

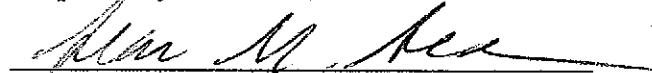
On July 1, 2004, the undersigned counsel was appointed by the Juvenile Division of the Cuyahoga County Court of Common Pleas to represent the children in this matter before that Court. The matter was fully litigated before that Court and on January 31, 2006, that Honorable Court denied the Cuyahoga County Department of Children and Family Services's (CCDCFS) Motion to Modify Temporary Custody to Permanent Custody. Subsequent to that ruling, the CCDCFS filed an appeal with the Court of Appeals, Eighth Judicial District of Ohio. That Court dismissed the appeal, stating that the matter was not a final appealable order. Said decision was journalized by the Clerk of Court on June 20, 2006.

The Cuyahoga County Prosecutor's Office filed a Notice of Appeal to the Supreme Court of Ohio and a Memorandum in Support of Jurisdiction of Appellant, on or about September 11, 2006, Case No. 2006-1695. The children are now Appellees in the matter before the Supreme Court of Ohio. The undersigned counsel's original appointment as counsel of record for Lee Adams, Jr. et. al. was terminated for purposes of the CCDCFS's appeal upon the appointment of Attorney Jeffrey Froude by this Honorable Court on May 18, 2006 to represent the children in

the appeal filed by CCDCFS. Subsequently his appointment would have been terminated upon that Honorable Court's journalization of their decision to dismiss the appeal. As a result, Lee Adams, Jr. et. al. do not have legal counsel representing them for the purposes of the Appeal in the Supreme Court of Ohio. A motion to appoint counsel for the matter pending before this court was filed on the children's behalf in the Court of Appeals, Eighth Judicial District of Ohio, a copy of which is attached hereon as Exhibit A.

WHEREFORE, the Adam's children, by and through counsel, requests that this Honorable Court extend the time for the children, who are subject matter of this within appeal, to file a their Reply to CCDCFS Merit Brief in this matter. This request is being made so as to allow for appointment of counsel for the children, which has not yet occurred. This request is not made to further delay this matter but to preserve the rights of the children who are the subject matter of this within case.

Respectfully submitted,

  
Atty. Jean M. Brandt, Sup. Ct. No. 0041487  
1028 Kenilworth Ave.  
Cleveland, Ohio 44113  
(216) 621-1610

**CERTIFICATE OF SERVICE**

A copy of the foregoing Motion for Extension of Time to File a Merit Brief was served,  
by regular U.S. Mail to this 10<sup>th</sup> day of January , 2007 on:

JOSEPH C. YOUNG, ESQ.  
Asst. Prosecuting Attorney,  
Cuyahoga County  
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CLEVELAND, OH 44104

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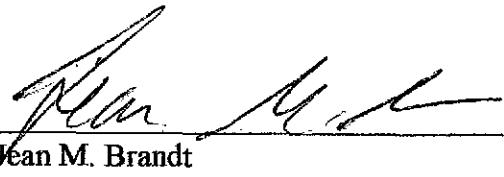
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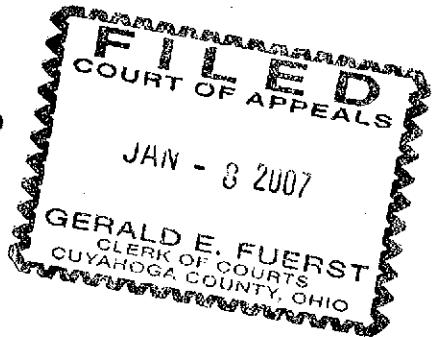
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Atty. Jean M. Brandt

IN THE COURT OF APPEALS  
EIGHTH JUDICIAL DISTRICT OF OHIO  
CUYAHOGA COUNTY, OHIO

**COURT OF APPEALS NO. 87881**

IN THE MATTER OF: ) LOWER CASE NO. 03901846 - 848  
 )  
 )  
 LEE ADAMS, JR. ET AL. )



**MOTION FOR APPOINTMENT OF COUNSEL FOR THE SUPREME COURT OF OHIO**

**COUNSEL FOR APPELLEES**

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1028 KENILWORTH  
CLEVELAND, OH 44113

**COUNSEL FOR APPELLANT:**

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## GUARDIAN AD LITEM FOR CHILDREN

Exhibit A-7

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ATTORNEY FOR APPELLEE FATHER

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LAKEWOOD, OH 44107  
ATTORNEY FOR APPELLEE CHILDREN

NANCY SCARCELLA, ESQ.  
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ATTORNEY FOR APPELLEE MOTHER

IN THE COURT OF APPEALS  
EIGHTH JUDICIAL DISTRICT OF OHIO  
CUYAHOGA COUNTY, OHIO

COURT OF APPEALS NO. 87881

IN THE MATTER OF: ) LOWER CASE NO. 03901846 -848  
 )  
LEE ADAMS, JR. ET AL. )  
 )  
 ) MOTION FOR APPOINTMENT OF  
 ) COUNSEL FOR THE SUPREME  
 ) COURT OF OHIO

Now comes Appellees, Lee Adams, Jr. et al, by and through counsel, and respectfully requests that this Honorable Court appoint counsel to represent the children as Appellees in the matter pending before the Supreme Court of Ohio, Case No.2006-1695, filed by the Cuyahoga County Prosecutor's Office as a result of the decision of this Honorable Court in the herein matter journalized on June 20, 2006.

Respectfully submitted,

  
Atty. Jean M. Brandt  
Atty. Reg. No. 0041487  
Attorney on behalf of children  
1028 Kenilworth Ave.  
Cleveland, Ohio 44113  
(216) 621-1610

BRIEF IN SUPPORT

On July 1, 2004, the undersigned counsel was appointed by the Juvenile Division of the Cuyahoga County Court of Common Pleas to represent the children in this matter before that Court. The matter was fully litigated before that Court and on January 31, 2006, that Honorable Court denied the Cuyahoga County Department of Children and Family Services's (CCDCFS) Motion to Modify Temporary Custody to Permanent Custody. Subsequent to that ruling, the CCDCFS filed an appeal with this Honorable Court. This Court dismissed that appeal, stating that the matter was not a final appealable order. Said decision was journalized by the Clerk of Court on June 20, 2006.

The Cuyahoga County Prosecutor's Office filed a Notice of Appeal to the Supreme Court of Ohio and a Memorandum in Support of Jurisdiction of Appellant, on or about September 11, 2006, Case No. 2006-1695. The children are now Appellees in the matter before the Supreme Court of Ohio. The undersigned counsel's original appointment as counsel of record for Lee Adams, Jr. et al was terminated upon the appointment of Attorney Jeffrey Froude by this Honorable Court on May 18, 2006 to represent the children in the appeal filed by CCDCFS. Subsequently his appointment would have been terminated upon this Honorable Court's journalization of this Court's decision. As a result, Lee Adams, Jr. et al do not have legal counsel representing them for the purposes of the Appeal in the Supreme Court of Ohio.

WHEREFORE, the Adam's children, by and through counsel, requests that this Honorable Court appoint legal counsel to represent them in the matter pending in the Supreme

Court of Ohio. If this Court should so prefer, the undersigned counsel would be willing to represent the children in the matter before the Supreme Court of Ohio.

Respectfully submitted,

  
Atty. Jean M. Brandt, Sup. Ct. No. 0041487  
1028 Kenilworth Ave.  
Cleveland, Ohio 44113  
(216) 621-1610

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Appointment of Counsel for the Supreme Court of Ohio was served, by regular U.S. Mail to this 8<sup>th</sup> day of January, 2007

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Asst. Prosecuting Attorney,  
Cuyahoga County  
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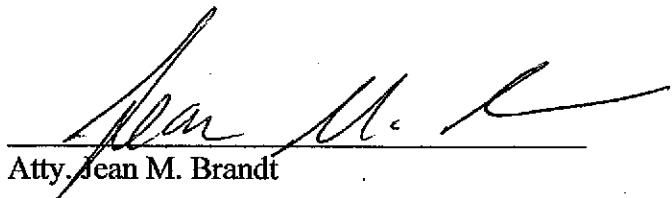
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Atty. Jean M. Brandt

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