

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

IN THE MATTER OF: :

A.C., et al. :

CASE NO. CA2007-05-134

: DECISION

: 3/3/2008

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APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS,
JUVENILE DIVISION
Case Nos. JN2004-1258 and JN2004-1301

Robin N. Piper, Butler County Prosecuting Attorney, Lina N. Alkamhawi, Government Services Center, 315 High Street, 11th Floor, Hamilton, OH 45011-6057, for appellee, Butler County Department of Job & Family Services

Lynn Giusti-O'Connor, 9891 Montgomery Road, Cincinnati, OH 45242, for appellant, Emily F.

Emily F., 710 Granada Avenue, Middletown, OH 45044, pro se

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 Butler County Court of Common Pleas, Juvenile Division, and upon the briefs filed by counsel, the pro se brief of appellant, Emily F., and upon oral argument.

{¶2} Counsel for appellant, Emily F., filed a brief with this court pursuant to *Anders v. California* (1967), 386 U.S. 738, 87 S.Ct. 1396, which (1) indicates 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 appellant upon which an assignment of error may be predicated; (2) lists one potential error "that might arguably support the appeal," *Anders*, at 744, 87 S.Ct. at 1400; (3) requests that this court review the record independently to determine whether the proceedings are free from prejudicial error and without infringement of appellant's constitutional rights; (4) requests permission to withdraw as counsel for appellant on the basis that the appeal is wholly frivolous; and (5) certifies that a copy of both the brief and motion to withdraw have been served upon appellant.

{¶3} Appellant has filed a pro se brief raising an assignment of error pertaining to whether the trial court's award of permanent custody was supported by clear and convincing evidence. We note that we are limited in our examination of the record as it existed at the time of the hearing on the permanent custody motion and may not consider what has transpired since the hearing.

{¶4} We have examined the record, the potential assignment of error presented in counsel's brief, and the assignment of error in appellant's pro se brief and find no error prejudicial to appellant's rights in the proceedings in the trial court. Therefore, the motion of counsel for appellant requesting to withdraw as counsel is granted, and this appeal is dismissed for the reason that it is wholly frivolous.

WALSH, P.J., BRESSLER and YOUNG, JJ., concur.

[Cite as *In re A.C.*, 2008-Ohio-866.]