

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

IN RE: N.R., A.R., and A.W., minor children.

**Ashley Rios, Mother, and Ashlee Rios, Father,
Petitioners,**

v.

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES,
Respondent.**

On Petition for a Writ of Certiorari to the Supreme Court of Appeals of West Virginia


MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The Petitioners, Ashlee Rios, father, and Ashley Rios, mother, by counsel, Jeremy B. Cooper, move this Honorable Court for leave to file their Petition for Writ of Certiorari *in forma pauperis*, pursuant to Rule 39 of the Rules of the Supreme Court of the United States. As grounds for this Motion, the Petitioners asserts that they sought and were granted leave to proceed as indigents in the court below, as reflected in the orders of the Circuit Court of Ohio County, West Virginia, attached hereto.

Respectfully Submitted,

David Fuellhart
Isner Law Office LC
PO Box 1878
Elkins, WV 26241
Tel: (304) 636-7681
david@isnerlaw.com

Petitioners, Ashlee Rios and Ashley Rios,
by counsel,



Jeremy B. Cooper
Blackwater Law PLLC
6 Loop St. #1
Aspinwall, PA 15215
(304) 376-0037
jeremy@blackwaterlawpllc.com
Counsel of Record
Attorney for the Petitioners

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

JAN 17 '19 PM 3:43
OHIO CO CIRCUIT COURT

In the Matter of

N [REDACTED]
whose date of birth is [REDACTED]
A [REDACTED]
whose date of birth is [REDACTED] and
A [REDACTED]
whose date of birth is [REDACTED]
alleged to be abused and neglected children

PETITION NO. ~~13-CJA-33~~

PETITION NO.: 13CJA-34

PETITION NO.: 13-CJA-35

WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,

Petitioner,

v

ASHLEE RIOS, biological father of the infants, N [REDACTED] and A [REDACTED] and custodian of
A [REDACTED]

Respondent.

ORDER
APPOINTING NEW COUNSEL

On or about December 5, 2018, came Gerald G. Jacovetty, Jr., Esquire and moved the Court for the entry of an Order permitting him to withdraw as counsel of record for respondent, Ashlee Rios in the above-captioned Abuse and Neglect matter, and for his reasons supporting said Motion stated as follows:

1. Attorney Jacovetty is withdrawing from the practice of law as soon as he can secure succeeding representation for each of his clients and he can be relieved of further responsibility concerning the client;
2. Reasons for Attorney Jacovetty withdrawing from the practice of law include, *inter alia*, health problems related to his recent kidney transplant and the immediate availability of

549-551

employment in a business opportunity which is in his personal best interest to accept, along with that of his family.

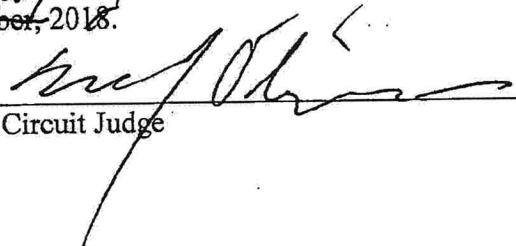
Judge David J. Sims, after duly considering said Motion, did grant said Motion signing the appropriate Order. However, Judge Sims wanted this Court to have the opportunity to appoint the successor counsel of its choice in the stead of Attorney Jacovetty.

WHEREFORE, it is

ORDERED that David C. Fuellhart, III, Esq. be, and is hereby, appointed as counsel for respondent; Ashlee Rios in the stead of Attorney Jacovetty; and

ORDERED that the Ohio County Circuit Clerk provide an attested copy of this Order to the Ohio County Prosecutor, the newly appointed counsel and Gerald G. Jacovetty, Jr.

ENTERED this 17 day of ^{January 9}~~December~~, 2018.


Circuit Judge

Prepared By:

Gerald G. Jacovetty, Jr., Esquire
1140 Main Street, Suite 103
Wheeling, West Virginia 26003
Phone: (304) 232-2800 Fax: (304) 214-1402
E-mail: jacovettylawoffices@yahoo.com
West Virginia Bar ID #5179

DEC 20 '18 AM 10:07
OHIO 00 CIRCUIT COURT

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

In the matter of

N [REDACTED]
whose date of birth is [REDACTED]

PETITION NO. 14-CJA-76

A [REDACTED]
whose date of birth is [REDACTED]

PETITION NO. 14-CJA-77

A [REDACTED]
whose date of birth is [REDACTED]

PETITION NO. 14-CJA-78

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES**

Petitioners,

vs.

ASHLEY RIOS, biological mother and custodian of infants N [REDACTED] A [REDACTED] and
A [REDACTED]
Respondent.

ORDER

ON THIS DAY CAME Gerasimos (Jerry) Sklavounakis, appointed counsel for the above-styled Respondent, pursuant to counsel's motion to withdraw as court-appointed counsel relative to the Respondent's desire to pursue an appeal.

WHEREUPON, the Court gave due consideration to the motion and the reasons cited therein. The Court further noted the Respondent remains indigent for purposes of the appointment of counsel. In addition, the Court noted that the State does not object to the Court granting defense counsel's withdrawal.

Accordingly, the Court

ORDERED that the Respondent's motion be **GRANTED** and that Gerasimos (Jerry) Sklavounakis given permission to withdraw as Respondent's court-appointed counsel. It is further

ORDERED that Gerasimos (Jerry) Sklavounakis is hereby released from legal representation of the Respondent in the instant case, absent any requisite duties that may remain as a result of their prior advocacy on behalf of the Respondent. It is further

ORDERED that Jeremy B. Cooper, Esq. of the Blackwater Law, PLLC, 6 Loop Street #1, Aspinwall, PA 15215, Phone 412-354-2323, a duly-qualified attorney who is licensed to practice law in West Virginia, be and is hereby appointed as Respondent's counsel for purposes of representing her in the preparation and filing of an appeal in 14-CJA-76, 77, 78. It is further

ORDERED that the Circuit Clerk provide attested copies of this Order to all counsel of record and the Respondent.

ENTER this 20th day of December, 2018


HONORABLE JUDGE MICHAEL J. OLEJASZ
Judge of the First Judicial Circuit

Order Prepared By:


Gerasimos (Jerry) Sklavounakis, Esq. (WV Bar #9201)

A copy, Teste:


Brenda X. Miller
Circuit Clerk